6. APPEAL AND ERROR—*Setting aside verdict—Evidence to sustain verdict.* Where a case has been properly submitted to a jury this court cannot disturb their verdict, as contrary to the evidence, unless the evidence is plainly insufficient to sustain it.

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RICHMOND CITY v. EPPS, SERGEANT.—Decided at Richmond, March 29, 1900.—*Riely*, J. *Harrison*, J., dissents; *Buchanan*, J., concurs in results:

1. MANDAMUS—*Compensation of officers—When writ will lie. Mandamus* is the proper remedy to compel the payment of the salary or other compensation due to an officer of a municipal corporation where the salary or compensation is fixed by law, and the issue of the warrant therefor and the payment thereof is a mere ministerial duty, but it does not lie if the salary or compensation is in anywise discretionary. The claimant must have a clear and specific legal right to receive the money claimed, and there must be imposed upon the officer on whom the demand is made the specific legal duty to draw the warrant therefor or to pay it.

2. JAILORS—*Fees—State and city prisoners—Sections 3527 to 3532 of Code.* No provision has been made by statute fixing the fees or compensation of the sergeant of a city who is the keeper of its jail for receiving and supporting persons confined in jail for a violation of the ordinances of the city. Sections 3527 to 3532 apply only to State prisoners and fees to be paid out of the State treasury. But if section 3532 applied to city prisoners also, his compensation from the city should be computed without reference to the number of State prisoners confined in jail, and so likewise his compensation from the State should be computed without reference to the number of the city prisoners confined.

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PAYNE v. TANCIL.—Decided at Richmond, March 29, 1900.—*Buchanan*, J:

1. SLANDER—*Colloquium—Words actionable per se.* Words are actionable without a colloquium if they consist of a statement of facts or matters which clearly and unequivocally impute to the party charged a criminal offence involving moral turpitude, or which would subject him to an infamous punishment. It is not necessary that they should make the charge in express terms. It is enough, if taken in their plain and proper sense, they would naturally and presumably be so understood by those who heard them.

2. SLANDER—*"Keeping" a woman.* To say of a man that he is "keeping" a woman imports in the connection in which it is used in this case that he has criminal intercourse with her.

3. SLANDER—*Office of innuendo—Adultery or fornication.* The office of an innuendo is to designate, not to enlarge, the meaning of the words spoken, and in this State it is wholly immaterial whether the designation imputes to the plaintiff adultery or fornication, as each is equally punishable under section 3786 of the Code.

4. SLANDER—*Words actionable per se—Innuendo—Surplusage.* If words spoken are *per se* actionable, the fact that the inuendo enlarges their meaning and attributes to them a signification they do not bear does not render the count demurrable. If the words spoken *per se* impute an infamous crime, punishable by law, the innuendo may be rejected as surplusage; if they do not, an innuendo cannot aid them.